

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.,) NO. 3:01-0718
Plaintiffs,) Judge Campbell/Brown
v.)
DEEP TECHNOLOGY MUSIC, et al.,)
EMI APRIL MUSIC, INC., et al.,) NO. 3:01-0733
CAREERS-BMG PUBLISHING, INC., et al.,) NO. 3:01-0935
EMI BLACKWOOD MUSIC, INC., et al.,) NO. 3:01-0971
CAREERS-BMG PUBLISHING, INC., et al.,) NO. 3:01-1037
ELEKTRA ENTERTAINMENT, et al.,) NO. 3:01-1105
REMEDI MUSIC, et al.,) NO. 3:01-1156
Defendants.)

O R D E R

In these seven cases the Magistrate Judge advised the parties that he was considering sanctions in the amount of \$1,783.77 in costs and attorneys' fees in the amount of \$50,000.00 as a sanction in satisfaction of all motions for sanctions filed by the plaintiffs.

The Magistrate Judge in his order (Docket Entry No. 238) set forth his reasons for the imposing these sanctions and offered the intervenor, Ms. Tilmon-Jones, an opportunity to respond before entering a final sanction order. Ms. Tilmon-Jones filed a response (Docket Entry No. 242) along with a request to receive the full Docket Entry No. 211-1. In her motion, Mr. Tilmon-Jones states that she only received the first eight pages of Docket Entry No. 211-1. She requests additional time to respond after she reviews these records.

The Magistrate Judge is puzzled why the plaintiff waited until the last day to point out that she did not have all of Docket Entry No. 211-1. An examination of the docket sheet shows that plaintiffs' counsel filed as Docket Entry No. 211-1 some 181 pages on October 30, 2012. This material could have easily been accessed by the plaintiff or by the attorney she is consulting at any time on PACER.

At this point the Magistrate Judge has no way of knowing whether plaintiffs' counsel failed to include all the pages of Docket Entry No. 211-1 or not. Out of an abundance of caution, plaintiffs' counsel is directed to send Ms. Tilmon-Jones a copy of Docket Entry No. 211-1 and file a notice with the Court the date such documents are delivered to an appropriate delivery service.

The plaintiff may have until **August 12, 2013**, to file any response objecting to the amount claimed. Ms. Tilmon-Jones, however, should keep in mind that is the Magistrate Judge's stated intent to reduce the amount to \$50,000 to take into account what the Magistrate Judge considers overwork of the case.

The Magistrate Judge, however, sees no reason to change his view that sanctions are appropriate for the reasons previously stated by the Magistrate Judge, the courts in Michigan, as well as the Sixth Circuit, which have been cited in this matter.

Once Ms. Tilmon-Jones has filed any objections to the amount intended to be awarded as costs and fees, plaintiffs' counsel may have **seven (7) days** within which to file a response not to exceed five (5) pages.

It is so ORDERED.

/s/ Joe B. Brown

JOE B. BROWN

United States Magistrate Judge